

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA  
RENO, NEVADA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	3:21-cr-00019-HDM-CSD
	)	
vs.	)	
	)	MINUTES OF COURT
GAIL MANNEY,	)	
	)	November 29, 2022
Defendant.	)	
_____	/	

**PROCEEDINGS: JURY TRIAL (DAY ONE)**

**PRESENT:**  
**THE HONORABLE HOWARD D. McKIBBEN, SENIOR U.S. DISTRICT JUDGE**

Deputy Clerk: Paris Rich      Reporter: Donna Prather

Counsel for Plaintiff: Megan Rachow, AUSA and Andrew Keenan, AUSA

Counsel for Defendant: Kate Berry, AFPD and Chris Frey, AFPD

At 8:44 a.m., the Court convenes.

The Defendant (on bond) is present with counsel. Christian Filipiak, APFD Investigator, is also present at counsel table.

The Government's counsel is present with Joshua Caron, Special Agent, Bureau of Alcohol, Tobacco, Firearms, and Explosives.

The Court addresses ECF No. 85 Defendant's Motion for Reconsideration of the Court's Order Denying Ms. Manney's Motion to Suppress. The Court recites findings. **IT IS ORDERED that the Defendant's Motion for Reconsideration of the Court's Order Denying Ms. Manney's Motion to Suppress is DENIED.**

The Court and counsel discuss voir dire, potential *Batson* challenges, Ms. Berry confirms the Defendant will waive her appearance at any sidebar conference. The parties stipulate to the random draw of the jury this date. The Court and counsel further confer regarding the presentation of evidence.

At 8:56 a.m., the Court stands

At 9:05 a.m., 63 prospective jurors enter the courtroom.

The Court presents introductory statements and introduces counsel. The Court further summarizes this action and the anticipated trial schedule. The voir dire oath is administered to all 63 jurors.

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Voir dire is conducted.

At 10:20 a.m. to 10:24 a.m., a sidebar is conducted. Voir dire continues.

The parties exercise peremptory challenges.

At 10:30 a.m. to 10:37 a.m., a sidebar is conducted.

At 11:06 a.m., counsel stipulate to the 14 seated jurors. The Court thanks and excuses the remaining jurors for a period of two years.

The Court recites statements to the jury regarding the trial schedule. The 14 jurors are impaneled and sworn.

At 11:10 a.m., the jury is admonished and excused for a brief recess.

At 11:30 a.m., the Court reconvenes. All parties are present.

The jury enters the courtroom. All jurors are present.

On behalf of the Government, Mr. Keenan presents opening statements.

On behalf of the Defendant, Ms. Berry presents opening statements.

At 11:48 a.m., the Court stands at recess.

At 12:47 a.m., the Court reconvenes. All parties are present.

The jury enters the courtroom. All jurors are present.

RICHARD JASON MOORE, called on behalf of the Government, is sworn, examined on direct by Mr. Keenan, cross-examined by Mr. Frey, examined on redirect by Mr. Keenan, recross-examined by Mr. Frey, and excused.

**IT IS ORDERED that the Government's Exhibits 1, 2a, 2b, 2c, 2d, 2e, and 5 are received into evidence.**

**IT IS FURTHER ORDERED that the Defendant's Exhibit 508 is received into evidence.**

THEODORE DIETRICH, called on behalf of the Government, is sworn, examined on direct by Mr. Keenan, cross-examined by Mr. Frey, and excused.

**IT IS ORDERED that the Defendant's Exhibit 513 is received into evidence. Defendant's Exhibit 513 is received conditionally subject to be stricken.**

DARIN BACLAYON, Special Agent, Homeland Security Investigations (HIS), called on behalf of the Government, is sworn, examined on direct by Mr. Keenan, cross-examined by Mr. Frey, and excused.

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JOSHUA CARON, Special Agent, Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), called on behalf of the Government, is sworn, examined on direct by Ms. Rachow, cross-examined by Mr. Frey, and released subject to recall.

**IT IS ORDERED that the Government's Exhibits 3a through 3r are received into evidence.**

**IT IS FURTHER ORDERED that the Defendant's Exhibits 504 and 505 are received into evidence.**

At 4:32 p.m., the jury is admonished and excused until Wednesday, November 30, 2022 at 9:00 a.m.

Outside the presence of the jury, the Court briefly discuss the proposed jury instructions.

**IT IS ORDERED that Jury Trial (Day Two) is set for Wednesday, November 30, 2022 at 9:00 a.m. in Reno Courtroom 4 before Judge Howard D. McKibben. IT IS SO ORDERED.**

The Defendant is continued on all present terms of release.

At 4:40 p.m., the Court adjourns.

DEBRA K. KEMPI, CLERK

By: /s/ Paris Rich  
Deputy Clerk